

REMARKS

Claims 1-10 are all the claims pending in the application.

Claim 1 has been amended to further point out the claimed subject matter. Claim 1 has been amended to recite that each of the adsorptive regions is provided with a signal absorbing layer for absorbing a noise signal that comes from a labeled receptor or a labeled ligand having been agglomerated or an enzyme-labeled antibody having clogged the porous adsorptive regions of the biochemical analysis unit. Support for the amendment can be found in the specification, for example, at page 11, lines 1-13.

The Examiner has objected to the Abstract, the Specification and the Claims due to informalities, because the Abstract, the Specification and the Claims contain words that are not spaced correctly. Accordingly, new Abstract is submitted to replace the old Abstract. In addition, a substitute Specification is submitted herewith with this Amendment.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. RESPONSE TO REJECTION OF CLAIMS 1-3, 6 AND 10 UNDER 35 U.S.C. § 102 (b)

Claims 1-3, 6 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ogura (U.S. Publication No. 2002/0016009 A1, hereinafter "Ogura 0016009").

Applicants respectfully traverse this rejection.

The Examiner asserts that Ogura 0016009 discloses a biochemical analysis unit, comprises a base plate having a plurality of holes, and a porous adsorptive material, which is filled in each of the plurality of the holes of the base plate and forms each of a plurality of adsorptive regions, wherein the adsorptive regions is provided with a signal absorbing layer for

absorbing a noise signal, which will otherwise be detected from the adsorptive region (Figure 5, [0251]).

Claim 1, as amended, recites that each of the adsorptive regions is provided with a signal absorbing layer for absorbing a noise signal that comes from a labeled receptor or a labeled ligand having been agglomerated or an enzyme-labeled antibody having clogged the porous adsorptive regions of the biochemical analysis unit.

Ogura 0016009 does not disclose or suggest the recitation that each of the adsorptive regions is provided with a signal absorbing layer for absorbing a noise signal that comes from a labeled receptor or a labeled ligand having been agglomerated or an enzyme-labeled antibody having clogged the porous adsorptive regions of the biochemical analysis unit. Thus, Ogura 0016009 cannot anticipate the subject matter of Claim 1 (or dependent Claim 2).

In addition, with respect to independent Claim 3, Ogura 0016009 does not disclose a biochemical unit comprising a signal absorbing layer for absorbing signal, which passes through the porous adsorptive material that is connected at the one surface of the base plate, and which thus propagates from a certain hole of the base plate toward an adjacent hole of the base plate. Thus, Ogura 0016009 cannot anticipate the subject matter of Claim 3 (or dependent Claims 6 and 10).

In view of the forgoing, it is respectfully requested that the rejection of Claims 1-3, 6 and 10 under 35 U.S.C. § 102 (b) as anticipated by Ogura 0016009 be withdrawn.

II. RESPONSE TO REJECTION OF CLAIMS 1-3, 5, 7 and 9 UNDER 35 U.S.C. § 102(a)

Claims 1-3, 5, 7 and 9 are rejected under 35 U.S.C. § 102(a) as being anticipated by Ogura (EP 1331485 A2, hereinafter “Ogura EP 485”).

Applicants respectfully traverse this rejection.

The Examiner asserts that Ogura EP 485 discloses a biochemical analysis as claimed by the instant application, and refers to paragraph [0009-0010] of Ogura EP 485.

Ogura EP 485 discloses a biochemical analysis unit includes an absorptive membrane and an aluminum substrate formed with a number of substantially circular through-holes in a regular pattern into which the absorptive membrane has been pressed by a calendar processing apparatus to form a number of absorptive regions regularly arranged so as to correspond to a number of the though-holes formed in the substrate (paragraph 0081).

However, Ogura EP 485 does not disclose the recitation that each of the adsorptive regions is provided with a signal absorbing layer for absorbing a noise signal that comes from a labeled receptor or a labeled ligand having been agglomerated or an enzyme-labeled antibody having clogged the porous adsorptive regions of the biochemical analysis unit. Thus, Ogura EP 485 cannot anticipate the subject matter of Claim 1 (or dependent Claim 2).

In addition, Ogura EP 485 does not disclose or suggest a biochemical unit comprising a signal absorbing layer for absorbing signal, which passes through the porous adsorptive material that is connected at the one surface of the base plate, and which thus propagates from a certain hole of the base plate toward an adjacent hole of the base plate.

Ogura EP 485 discloses an adhesive agent layer that is formed on the reverse surface of the aluminum substrate, and the aluminum substrate and the absorptive membrane are firmly

bonded via the adhesive agent layer. A dye having a property of attenuating light energy is added to the adhesive agent layer and the dye permeates the absorptive membrane (paragraph 0082-0083). This is different from the embodiments claimed in claims 3, 5, 7 and 9, where it is the base plate that is constituted of a material having radiation attenuating properties.

In view of the forgoing, it is respectfully requested that the rejection of Claims 1-3, 5, 7 and 9 under 35 U.S.C. § 102(a) as anticipated by Ogura EP 485 be withdrawn.

III. RESPONSE TO REJECTION OF CLAIMS 3, 4 and 8 UNDER 35 U.S.C. § 102 (b)

Claims 3, 4 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ogura (U.S. Publication No. 2003/0003594, hereinafter “Ogura 0003594”).

Applicants respectfully traverse this rejection. Ogura 0003594 does not disclose each and every feature of the claimed subject matter.

Ogura 0003594 discloses, at paragraph [0412-0413] at where the Examiner pointed out, a stimuable phosphor sheet that is superposed on a biochemical analysis unit in such a manner that a number of the absorptive regions formed in the biochemical analysis unit face the corresponding stimuable phosphor layer regions formed in the stimuable phosphor sheet. This arrangement is to assure that each of the stimuable phosphor layer regions formed in the stimuable phosphor sheet accurately faces the corresponding absorptive region formed in the biochemical analysis unit.

However, Ogura 0003594 does not disclose or teach a biochemical unit comprising a signal absorbing layer for absorbing signal, which passes through the porous adsorptive material

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that is connected at the one surface of the base plate, and which thus propagates from a certain hole of the base plate toward an adjacent hole of the base plate.

Therefore, it is respectfully requested that the rejection of Claims 3, 4 and 8 under 35 U.S.C. § 102(b) as anticipated by Ogura 0003594 be withdrawn.

IV. RESPONSE TO DOUBLE PATENTING REJECTION

Referring to Section No. 14 at page 5 of the Office Action, Claims 6 and 10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 68 of copending Application No. 09/918,500 (U.S. Publication No. 2002/0016009 A1, “the ‘500 Application”).

A patent has not yet issued from the ‘500 Application. Accordingly, the present double patenting rejection is a provisional double patenting rejection.

Applicants respectfully request that the present provisional double patenting rejection be held in abeyance at this time.

V. CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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